

## II. Remarks

This Supplemental Amendment is being submitted in response to the Office Action dated August 28, 2007 and in furtherance of Applicants' Amendment submitted on December 26, 2007 in response to the above-mentioned Office Action.

### A. Status of the Claims

Claims 1-4, 6, 8 and 14-17 have been cancelled without prejudice or disclaimer of Applicants' right to pursue subject matter of those claims in one or more divisional applications. Claims 5, 7, 9-13 and 18-47 are pending. Applicants have herein amended claims 5, 7, 9, 11 and 13. Claims 18-47 have been added as new. The amended and new claims correspond to Group I, elected by Applicants in their Response to Restriction Requirement mailed June 11, 2007. Group I, as clarified by the Examiner in the Office Action dated August 28, 2007, includes claims 10-13 and generic claims 5-9 and 14-17, drawn to compounds of formula V, wherein  $R^4$  is formula II, X is  $C(R^{27})R^{28}$  or  $NR^{26}$ ,  $m=n=2$ , and  $Ar^2$  is phenyl or monocyclic aromatic heterocycle.

Support for the amendments to claims 5, 7, 9, 11 and 13 can be found throughout the Specification as originally filed, including in the original claims. In particular, support for the amendment to claim 5 to include a proviso can be found in original claim 1 and in paragraph [0031] of the U.S. Patent Publication No. 2005/0153977 corresponding to the present application. Original claim 5 recited that  $Ar^2$  was a group "represented by  $Ar^1$  as described in claim 1." As can be readily seen, claim 1 includes a proviso regarding  $Ar^1$  when  $R^1$  and  $R^2$  are particular groups. Similarly,  $R^3$  in original claim 5 was a group represented by  $R^1$  "as described in claim 1"; and  $R^4$  was a group "represented by  $R^2$  as described in claim 1." Applicants have herein incorporated the applicable limitations from claim 1 into claim 5, to result in the present proviso regarding  $Ar^2$ , which states that that when  $R^3$  (corresponding to  $R^1$  in claim 1) is aryl or pyridyl, each of which may be substituted with one or more groups selected from the group consisting of lower alkyl, -CO-lower alkyl, -COO-lower alkyl, -OH, -O-lower alkyl, -

OCO-lower alkyl, and halogen, and  $R^4$  (corresponding to  $R^2$  in claim 1) is a group represented by Formula II, then  $Ar^2$  (corresponding to  $Ar^1$  in claim 1) is not phenyl or pyridyl, each of which may be substituted with one or more groups selected from the group consisting of lower alkyl, -CO-lower alkyl, -COO-lower alkyl, -OH, -O-lower alkyl, -OCO-lower alkyl, and halogen. Claim 5 has also been amended to incorporate the limitations (including limitations from claim 1) regarding the elected Group I, specifically that  $R^4$  is according to formula II, X is  $C(R^{27})R^{28}$  or  $NR^{26}$ ,  $m=n=2$ , and  $Ar^2$  is phenyl or monocyclic aromatic heterocycle.

Support for amended claim 7 can be found, for example, in the specification of the published application at page 4, paragraph [0064]. Support for amended claim 9 can be found in the specification of the published application at page 4, paragraph [0066]. Support for amended claim 11 can be found in the specification of the published application at page 4, paragraph [0068]. Claim 13 has been amended to correct grammar. Support for new claims 18-36 can be found in original claims, e.g., claim 13, and throughout the specification as filed, in the Examples and in the Tables. Support for claims 37-42 can be found in the specification of the Published Application on page 2, paragraph [0040] to page 3, paragraph [0062]. Support for claim 43 can be found in the specification on page 8, paragraph [0184]. Support for claims 44-47 can be found in the specification on page 11, paragraph [0222]. It is respectfully submitted that no new matter has been added by virtue of these amendments.

**B. Rejection under 35 U.S.C. § 102(a)**

In the Amendment submitted by Applicants on December 26, 2007, Applicants stated that the Muto reference (CA: 137 63257) “appears to correspond to WO 03/103657, which published on December 18, 2003, a date that is after Applicants’ January 18, 2002, foreign priority date.” (See: Amendment of December 26, 2007, page 10, IV). This presumption was made based on abstracts provided by the Examiner with the Office Action (See: Office Action dated August 28, 2007, page 3, “Claims 5-11, 14-

17 are rejected under 35 U.S.C. 102(a) as being anticipated by Muto et al. CA 137:63257"). After conducting a further search of the record from Chemical Abstracts through its search engine SciFinder (see: Attachment A submitted herewith), it now is apparent that the Muto reference (CA: 137:63257) corresponds to WO 02/049632. The '632 application published on June 27, 2002, a date that is after Applicants' January 18, 2002, foreign priority date. Accordingly, the Muto publication is not prior art to the pending claims and cannot be relied upon as a 102(a) anticipatory reference. Applicants respectfully request that the Examiner withdraw this rejection.

In view of the arguments presented above, Applicant respectfully requests that the Examiner's rejection be removed.

### III. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. It is believed that no fees are due for this submission. However, if it is determined that any fees are due, the Commissioner for Patents is hereby authorized to charge said fees or credit any overpayments to Deposit Account No. 50-0552.

The Examiner is respectfully requested to contact the undersigned at the telephone number provided below in the event that a telephonic interview will advance the prosecution of the application.

Respectfully submitted,  
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